

Control Number: 46271



Item Number: 47

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SOAH DOCKET NO. 473-17-1314  
PUC DOCKET NO. 46271

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COMPLAINT OF EVERETTH HOLLEY §  
AGAINST AEP TEXAS CENTRAL §  
COMPANY, JUST ENERGY, AND CPL §  
RETAIL ENERGY

BEFORE THE STATE OFFICE OF  
PUBLIC UTILITY COMMISSION  
FILING CLERK

ADMINISTRATIVE HEARINGS

CPL RETAIL ENERGY'S CLOSING STATEMENT

CPL Retail Energy, LP files this Closing Statement as follows:

INTRODUCTION

Mr. Holley's complaint is that his AEP meter allegedly malfunctioned and so he was overcharged. He claims this is solely a result of his meter—not of any other overbilling or improper practice. CPL undisputedly did not supply, control or read Mr. Holley's meter. In fact, Mr. Holley has no complaints with CPL, but joined them because he believed doing so was a procedural necessity.

Because Mr. Holley has no dispute with CPL, and because CPL is neither responsible nor liable for the conduct that Mr. Holley's claim is based upon, any relief sought against CPL should be denied.

ARGUMENT

Of the five issues the Commission identified to be addressed in this proceeding, only one relates to CPL: "Did the retail electric providers, CPL and Just Energy, accurately bill the complainant for electricity usage based on the meter data provided by AEP TCC and the account's rate plan?"

The answer to that question is undisputedly Yes: CPL properly invoiced Mr. Holley according to his rate schedule. Both CPL's direct testimony and Mr. Holley's own testimony at the May 2, 2017 hearing make this point.

***I. CPL billed in accordance with the rate plan.***

First, CPL provided the prior-admitted testimony of Alex Donaho explaining that the billings were correct because each of Mr. Holley’s invoices accurately reflect both the rate charged per kilowatt hour as well as the reading as reported by AEP Texas from the customer’s meter and the total between the two when multiplied.<sup>1</sup> Mr. Holley provided no evidence to dispute this point.

Second, Mr. Holley’s testimony clarified that he took no issue with CPL’s billing aside from his belief that it was based on improper meter usage readings (which were made by and are the responsibility of AEP—not CPL), which he alleges rendered the meter reading too high. Mr. Holley agrees that CPL simply “billed [] the numbers that AEP reported to” it.<sup>2</sup> He clarified that he does not allege that CPL added anything to his bills in addition to the charges based on AEP’s meter readings.<sup>3</sup>

In fact, when asked what his complaint was “as to CPL, if any” Mr. Holley stated that “The only complaint I had against CPL, my intention was to remove CPL out of the picture before I filed against AEP . . .”<sup>4</sup>

***II. It is not CPL’s responsibility to read the meter.***

Similarly to Just Energy, CPL Retail Energy is a retail energy provider and does not have the responsibility to read meters under Texas law, relying instead on AEP Texas Inc.’s meter readings. P.U.C. SUBST. R. § 25.479(b)(2).

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<sup>1</sup> Direct Testimony of Alex Donoho at 3:31-33 (Mar. 20, 2017). Mr. Holley did not object to Mr. Donoho’s testimony being included in the record. Ex. A, Hearing Transcript at 19:25-20:7. Mr. Donoho’s testimony was accepted as an exhibit by the Court. *Id.* at 36:9-19.

<sup>2</sup> *Id.* at 34:11-25.

<sup>3</sup> *Id.* at 35:1-6. (“You’re not alleging that CPL monkeyed with the numbers? A: No. Q: Okay. And you’re not alleging that CPL added on something in addition to – A: None whatsoever.”)

<sup>4</sup> *Id.* at 32:13-17. Though Mr. Holley identified other issues with his prior bills, he stated that those were ultimately resolved and that his sole complaint in this matter relates to the meter reading. (*Id.* at 33:12-34:23.)

Thus, CPL did not have responsibility for the only conduct that Mr. Holley identifies as a basis for his complaint.

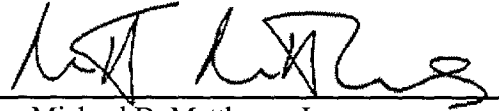
CONCLUSION

Mr. Holley has no complaint with CPL aside from the total cost reflected on its invoices, which he agrees were based on AEP's meter readings. Because the meter reading was taken by AEP, and not CPL, Mr. Holley's claims against CPL should be denied.

For these reasons Mr. Holley should take nothing from CPL.

Dated: May 12, 2017

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By:   
Michael D. Matthews, Jr.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on all parties of record in this proceeding by hand-delivery, overnight delivery, facsimile transmission, or U.S. first-class mail on the 12th day of May, 2017.

By:   
Michael D. Matthews, Jr.

# Exhibit A

1	SOAH DOCKET NO. 473-17-1314 PUC DOCKET NO. 46271	3
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3	COMPLAINT OF EVERETTH ) BEFORE THE STATE OFFICE	
4	HOLLEY AGAINST AEP TEXAS )	
5	CENTRAL COMPANY, JUST ) OF	
6	ENERGY, AND CPL RETAIL )	
7	ENERGY ) ADMINISTRATIVE HEARINGS	
8	HEARING ON THE MERITS	
9		
10	Tuesday, May 2, 2017	
11		
12		
13	BE IT REMEMBERED THAT at 9:06 a.m., on	
14	Tuesday, the 2nd day of May 2017, the above-entitled	
15	matter came on for hearing at the State Office of	
16	Administrative Hearings, William P. Clements, Jr.,	
17	Building, 300 West 15th Street, Room 402, Austin, Texas,	
18	before ELIZABETH DREWS, Administrative Law Judge, and	
19	the following proceedings were reported by Jodi	
20	Cardenas, Certified Shorthand Reporter.	
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<p style="text-align: right;">5</p> <p style="text-align: center;">EXHIBIT INDEX</p> <p>2 HOLLEY</p> <p style="text-align: right;">MARKED ADMITTED</p> <p>3 1. Memorandum from Mr. Holley, 29 30 February 14, 2017</p> <p>4</p> <p>2. Memorandum from Mr. Holley, 66 70 April 5, 2017</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">7</p> <p style="text-align: center;">APPEARANCES</p> <p>3 FOR COMPLAINANT:</p> <p>4 Mr. Evereth Holley PRO SE 5 520 Jester Street Corpus Christi, Texas 78418 6 email: holleybutch@gmail.com</p> <p>7</p> <p>8 FOR AMERICAN ELECTRIC POWER TEXAS (AEP TEXAS):</p> <p>9 Ms. Melissa Long Gage AMERICAN ELECTRIC POWER 10 400 West 15th Street, Suite 1500 Austin, Texas 78701 11 Telephone: 512-481-3323 - Fax: 512-481-4591 email: malong@aep.com</p> <p>12</p> <p>13</p> <p>14 FOR JUST ENERGY TEXAS, LP:</p> <p>15 Ms. Catherine Webking SCOTT, DOUGLASS &amp; McCONNICO 16 303 Colorado Street, Suite 2400 Austin, Texas 78701 17 Telephone: 512-495-6337 - Fax: 512-495-6399 email: cwebking@scottdoug.com</p> <p>18</p> <p>19 FOR CPL RETAIL ENERGY:</p> <p>20 Mr. Michael D. "Matt" Matthews, Jr. EDISON, McDOWELL &amp; HETHERINGTON, LLP 21 1001 Fannin Street, Suite 2700 Houston, Texas 77002 22 Telephone: 713-337-8879 - Fax: 713-337-8859 email: matt.matthews@emhllp.com</p> <p>23</p> <p>24</p> <p>25</p>
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9	<p>1 PROCEEDINGS</p> <p>2 TUESDAY, MAY 2, 2017</p> <p>3 (9:06 a.m.)</p> <p>4 (Exhibit AEP Texas Nos. 1 and 2 marked)</p> <p>5 (Exhibit Just Energy No. 1 marked)</p> <p>6 (Exhibit CPL No. 1 marked)</p> <p>7 JUDGE DREWS: All right. I will convene</p> <p>8 this hearing on the merits of SOAH Docket No. 473-17 --</p> <p>9 you know what -- it would help if I turn the mics on.</p> <p>10 Is that everything you need?</p> <p>11 THE REPORTER: That's it. Thank you.</p> <p>12 JUDGE DREWS: All right. I'll convene</p> <p>13 this hearing on the merits of SOAH Docket</p> <p>14 No. 473-17-1314, PUC Docket No. 46271, Complaint of</p> <p>15 Evereth Holley against AEP Texas Central Company, Just</p> <p>16 Energy, and CPL Retail Energy. My name is Elizabeth</p> <p>17 Drews. I'm an administrative law judge assigned from</p> <p>18 the State Office of Administrative Hearings to do this</p> <p>19 case. It is May 2nd, 2017 at about 9:10 a.m., and this</p> <p>20 hearing is being conducted at SOAH's hearing facility in</p> <p>21 Austin.</p> <p>22 May I have appearances of the parties?</p> <p>23 And, Mr. Evereth, since you are the complainant, I'll</p> <p>24 let you go first. All I need you to do is say who you</p> <p>25 are and that you're ready to proceed. Okay? So go</p>	11
10	<p>1 ahead and speak into the microphone.</p> <p>2 MR. HOLLEY: My name is Evereth Holley.</p> <p>3 JUDGE DREWS: Uh-huh. And you're ready to</p> <p>4 proceed?</p> <p>5 MR. HOLLEY: Yes, I am ready to proceed.</p> <p>6 JUDGE DREWS: Thank you. All right.</p> <p>7 AEP?</p> <p>8 MS GAGE: Good morning, Melissa Gage on</p> <p>9 behalf of AEP Texas, Inc. And just for clarity purposes</p> <p>10 for the record, Your Honor, I'll note that in the direct</p> <p>11 testimony of Mr. Stracener he explained this, but AEP</p> <p>12 Texas Central Company and Texas North Company merged</p> <p>13 into AEP Texas, Inc., and the Commission approved that</p> <p>14 at the end of last year. And so the company is now AEP</p> <p>15 Texas, Inc.</p> <p>16 JUDGE DREWS: All right. So it sounds to</p> <p>17 me like I should change the style of the case</p> <p>18 MS GAGE: If you would prefer to do that</p> <p>19 for clarity, that --</p> <p>20 JUDGE DREWS: For clarity, AEP Texas,</p> <p>21 Inc., anyone have problem with that?</p> <p>22 MR. MATTHEWS: No, Your Honor.</p> <p>23 JUDGE DREWS: I'll note that in the order.</p> <p>24 Okay And thank you for clarifying that.</p> <p>25 Just Energy?</p>	10
10	<p>1 MS. WEBKING: Good morning, Your Honor.</p> <p>2 Catherine Webking here on behalf of Just Energy. With</p> <p>3 me today is Eric Blakey with Just Energy also.</p> <p>4 JUDGE DREWS: Okay. Thank you. I</p> <p>5 misspelled -- it's Ms. Novy's name, I think, in my</p> <p>6 order, so anyway, my apologies.</p> <p>7 MS. WEBKING: Thank you, Your Honor. No</p> <p>8 problem.</p> <p>9 JUDGE DREWS: What is Just Energy's -- I</p> <p>10 mean, what is the full name, correct name?</p> <p>11 MS. WEBKING: Just Energy Texas, LP.</p> <p>12 JUDGE DREWS: Just Energy Texas, LP.</p> <p>13 Okay. Companies change their names from time to time.</p> <p>14 I just want to keep it straight.</p> <p>15 All right. CPL?</p> <p>16 MR. MATTHEWS: Good morning, Your Honor.</p> <p>17 Matt Matthews on behalf of CPL Retail Energy, LP.</p> <p>18 JUDGE DREWS: Okay. Commission Staff?</p> <p>19 MR. CRNICH: Good morning, Your Honor.</p> <p>20 Mike Crnich on behalf of Commission Staff.</p> <p>21 JUDGE DREWS: Thank you. So I believe</p> <p>22 everyone here that's representing a party is a lawyer</p> <p>23 except for you, Mr. Holley. Are you a lawyer?</p> <p>24 MR. HOLLEY: No, ma'am.</p> <p>25 JUDGE DREWS: All right. So I'm just</p>	11
12	<p>1 going to just briefly explain here. First of all, I'm</p> <p>2 sure you know this is a civil proceeding, so you could</p> <p>3 have hired a lawyer, but you're choosing to -- it would</p> <p>4 have been at your own expense. I know you can't afford</p> <p>5 it, I assume, or didn't choose it. But anyway --</p> <p>6 MR. HOLLEY: I didn't understand that</p> <p>7 JUDGE DREWS: -- you've chosen to</p> <p>8 represent yourself. Right?</p> <p>9 MR. HOLLEY: I didn't understand that.</p> <p>10 They told me I had to follow these types of protocols.</p> <p>11 Go to Corpus Christi.</p> <p>12 JUDGE DREWS: Right.</p> <p>13 MR. HOLLEY: They denied it. Go to</p> <p>14 informal hearing, they denied it. It was a formal</p> <p>15 hearing, they denied it.</p> <p>16 JUDGE DREWS: Well, let me explain,</p> <p>17 Mr. Holley. Here is what I'm saying. You could have</p> <p>18 hired a lawyer at your own expense to represent you</p> <p>19 today. But you've -- you've chosen to represent</p> <p>20 yourself. Correct?</p> <p>21 MR. HOLLEY: I have no choice.</p> <p>22 JUDGE DREWS: Okay. I understand. I just</p> <p>23 want to make that -- make sure we had that. So -- so</p> <p>24 let me say that if at any point you have any questions</p> <p>25 about the procedures, you just go ahead and ask. Okay?</p>	12



<p style="text-align: right;">13</p> <p>1 So this is an evidentiary proceeding.</p> <p>2 It's a civil proceeding. The burden of proof is</p> <p>3 preponderance of the evidence. We have opening</p> <p>4 statements and closing statements which are argument.</p> <p>5 That's not evidence. Evidence is going to be testimony</p> <p>6 which is sworn and subject to cross-examination or</p> <p>7 exhibits that people want to offer. And so -- you know,</p> <p>8 as I said, if you have questions at any point, just let</p> <p>9 me know.</p> <p>10 Everybody is here, so I assume everyone</p> <p>11 thinks notice and jurisdiction are proper. We've gone</p> <p>12 through the corporate parties. Just so I don't forget,</p> <p>13 at the prehearing -- let me say that I -- I issued an</p> <p>14 order yesterday summarizing the prehearing conference.</p> <p>15 Just Energy is here with its -- its witness. Correct?</p> <p>16 MS. WEBKING: Yes, Your Honor.</p> <p>17 JUDGE DREWS: And is CPL?</p> <p>18 MR. MATTHEWS: I'm here. I do not have a</p> <p>19 witness.</p> <p>20 JUDGE DREWS: No witness. Okay. And so</p> <p>21 you had filed a motion to appear telephonically.</p> <p>22 And, Mr. Holley, you had an objection to</p> <p>23 that. Correct?</p> <p>24 MR. HOLLEY: Yes.</p> <p>25 JUDGE DREWS: Can you explain what your</p>	<p style="text-align: right;">15</p> <p>1 Public Utility Commission of Texas.</p> <p>2 MR. HOLLEY: No, I sent it to the state</p> <p>3 office where they --</p> <p>4 JUDGE DREWS: State Office of</p> <p>5 Administrative Hearings.</p> <p>6 MR. HOLLEY: Yes.</p> <p>7 JUDGE DREWS: And you did not send a copy</p> <p>8 to the parties?</p> <p>9 MR. HOLLEY: Not to each party. I never</p> <p>10 have. Everything I sent to this office said it had to</p> <p>11 go to the administrative law judge.</p> <p>12 JUDGE DREWS: All right. Now, where I'm</p> <p>13 going with this is that you're actually required -- all</p> <p>14 parties are required, when they file a document, to</p> <p>15 serve a copy on all other parties. For example, I</p> <p>16 assume that you got prefiled testimony from the other</p> <p>17 parties. A copy was sent to you. Right?</p> <p>18 MR. HOLLEY: Just within the last day or</p> <p>19 so, yes, I did.</p> <p>20 JUDGE DREWS: You did not get a copy of</p> <p>21 AEP, Just Energy, CPL? They filed prefiled testimony.</p> <p>22 You got a copy of that, didn't you?</p> <p>23 MR. HOLLEY: I thought all of those were</p> <p>24 coming from y'all because I sent you ten copies -- every</p> <p>25 stack -- I had to send in ten copies.</p>
<p style="text-align: right;">14</p> <p>1 objection is?</p> <p>2 MR. HOLLEY: My objection was I was going</p> <p>3 to have to show up at this hearing, I thought everyone</p> <p>4 else should since each board said they asked</p> <p>5 continuously to be -- what do they call it -- removed</p> <p>6 from it or dismissed and everybody said no And that's</p> <p>7 why we come to this point. Then two days prior to this</p> <p>8 hearing, everybody seems to want to jump off.</p> <p>9 I think it could have been a more timely</p> <p>10 manner because the time you gave us gave us plenty of</p> <p>11 time for testimony, for -- to say I saw something --</p> <p>12 some of these documents were -- and they reserved the</p> <p>13 right -- well, we should have reserved the right to say</p> <p>14 that we are --</p> <p>15 JUDGE DREWS: I actually thought it wasn't</p> <p>16 timely, either. However, as I explained in the order --</p> <p>17 and I'm just going to go ahead and explain now. You</p> <p>18 filed -- you did not file -- you sent to the State</p> <p>19 Office of Administrative Hearings your rebuttal</p> <p>20 testimony. Correct?</p> <p>21 MR. HOLLEY: Yes.</p> <p>22 JUDGE DREWS: You did not file it at the</p> <p>23 Commission. Right?</p> <p>24 MR. HOLLEY: Well --</p> <p>25 JUDGE DREWS: You did not send it to the</p>	<p style="text-align: right;">16</p> <p>1 JUDGE DREWS: But did you get a copy of</p> <p>2 the other parties' testimony?</p> <p>3 MR. HOLLEY: I guarantee I got it, but I</p> <p>4 don't know the exact date.</p> <p>5 JUDGE DREWS: Okay. No, no. That's fine.</p> <p>6 What I'm trying to explain is that every party is</p> <p>7 required to serve all other parties with their testimony</p> <p>8 so they can prepare for the hearing, and you did not do</p> <p>9 that.</p> <p>10 MR. HOLLEY: I was sending it to State --</p> <p>11 State Office.</p> <p>12 JUDGE DREWS: And the State Office of</p> <p>13 Administrative Hearings is not -- that's not what you're</p> <p>14 supposed to do. As the order said, you're required to</p> <p>15 file it at the Commission You're required to serve a</p> <p>16 copy on all other parties.</p> <p>17 Now, why am I bringing this up? CPL does</p> <p>18 not have a witness. CPL has asked to appear</p> <p>19 telephonically. I'm going to apply the same -- I'm</p> <p>20 either going to apply the rules strictly on both of you</p> <p>21 or I'm not. One option, if all parties are all right</p> <p>22 with this would be if we allow Mr. Holley's rebuttal</p> <p>23 testimony to come in and we allow CPL's witness to</p> <p>24 testify by hearing.</p> <p>25 Now, I don't know how the parties feel</p>

<p style="text-align: right;">17</p> <p>1 about that. Many of the parties complied. So -- but  2 that's one option. But I'm just going to say, if I  3 don't allow CPL's witness to testify telephonically,  4 because I agree with you, their motion was filed late,  5 then I -- I'm going to also strictly apply the rules to  6 you. And if there's an objection to your rebuttal  7 testimony because they didn't get a copy on time, I'm  8 going to apply the same standard.</p> <p>9 So my question is, do the parties want a  10 moment to talk about this and see if y'all can work  11 something out?</p> <p>12 MR. HOLLEY: I only have one rebuttal  13 against CPL.</p> <p>14 JUDGE DREWS: No, no, I know. I know.</p> <p>15 MR. HOLLEY: I only have one.</p> <p>16 JUDGE DREWS: But the problem is, is that  17 it wasn't filed and served on the parties. So that's  18 my -- I don't know. Would you rather let CPL's witness  19 testify by telephone and allow your rebuttal --</p> <p>20 MR. HOLLEY: That would be just fine.</p> <p>21 JUDGE DREWS: Is that all right? Now,  22 would that work for the other parties?</p> <p>23 MR. MATTHEWS: Your Honor, at this point,  24 I got up at 4:00 in the morning and drove from Houston  25 to Austin.</p>	<p style="text-align: right;">19</p> <p>1 MR. MATTHEWS: Correct.</p> <p>2 JUDGE DREWS: So if I -- if -- how do I  3 put this? Are you saying you would rather I apply the  4 rules strictly and not allow your witness to testify and  5 not allow Mr. Holley's rebuttal testimony in?</p> <p>6 MR. MATTHEWS: My witness is not available  7 by phone or otherwise.</p> <p>8 JUDGE DREWS: Oh --</p> <p>9 MS. WEBKING: Your other, if we might --  10 could we go off the record for just a moment?</p> <p>11 JUDGE DREWS: Yes, yes.</p> <p>12 MS. WEBKING: And maybe we could --</p> <p>13 JUDGE DREWS: Yeah. I think -- let's see  14 if we can work this out. Is that all right with  15 everybody?</p> <p>16 MR. HOLLEY: Yes.</p> <p>17 JUDGE DREWS: We're going to go off the  18 record and see if we can work something out. So we'll  19 go off the record. Okay.</p> <p>20 (Recess: 9:19 a.m. to 9:26 a.m.)</p> <p>21 JUDGE DREWS: All right. We'll go back on  22 the record.</p> <p>23 Were the parties able to agree to  24 anything?</p> <p>25 MR. MATTHEWS: Yes, Your Honor. I believe</p>
<p style="text-align: right;">18</p> <p>1 JUDGE DREWS: I know. I understand.</p> <p>2 MR. MATTHEWS: I offered Mr. Holley the  3 opportunity to participate by phone last week. I told  4 him that it was an option we could all engage in and  5 save everyone time and money. I'm here now. My witness  6 is -- is not available. My preference would be to -- to  7 apply the rules.</p> <p>8 JUDGE DREWS: All right. So what you're  9 saying is CPL simply won't offer testimony.</p> <p>10 MR. MATTHEWS: We intend to offer the  11 prefiled direct testimony and to cross-examine  12 Mr. Holley with respect to issues related to his bills  13 from CPL to the extent that it becomes necessary.</p> <p>14 JUDGE DREWS: All right. I want to make  15 sure I understand. So you're representing CPL Retail  16 Energy?</p> <p>17 MR. MATTHEWS: Correct.</p> <p>18 JUDGE DREWS: You intend not to offer your  19 prefiled direct testimony?</p> <p>20 MR. MATTHEWS: I intend to offer the  21 prefiled direct testimony.</p> <p>22 JUDGE DREWS: Your witness is present?</p> <p>23 MR. MATTHEWS: Is not present.</p> <p>24 JUDGE DREWS: All right. And you filed a  25 motion for telephonic testimony?</p>	<p style="text-align: right;">20</p> <p>1. we worked out an agreement under which the respondents  2. do not intend to object to admission of Mr. Holley's  3. rebuttal testimony with the reciprocal agreement that  4. Mr. Holley is not objecting to admission of CPL's  5. prefiled direct testimony and to AEP's opportunity to  6. question its witness about Mr. Holley's testimony --  7. rebuttal testimony. If I've misstated that --</p> <p>8 MS. GAGE: Yeah Your Honor, on behalf of  9 AEP Texas, our concern is that the -- the rebuttal  10 testimony was late-filed, and we received it just  11 yesterday morning from your office and it -- it raises  12 new issues, but in the interest of conserving everyone's  13 resources and everyone is here, we would like to just  14 move forward with the caveat that to the extent  15 Mr. Holley's cross-examination of our witness,  16 Mr. Stracener, doesn't address those issues, that we be  17 given the opportunity for some very limited questions to  18 him to address those rebuttal issues that were newly  19 raised.</p> <p>20 JUDGE DREWS: Now, is that agreement  21 acceptable to everyone?</p> <p>22 MR. HOLLEY: Yes, yes.</p> <p>23 JUDGE DREWS: All right. Thank you and  24 let me say, I'm glad you could work it out. I prefer to  25 have more information rather than less. So I'm glad you</p>

<p style="text-align: right;">21</p> <p>1 were able to work it out. Okay?</p> <p>2 All right. So we don't have to decide</p> <p>3 this yet, but my intent is to allow every party to make</p> <p>4 its closing statement orally or in writing, as you</p> <p>5 choose. And so toward the end of the hearing, we'll</p> <p>6 talk about setting a deadline for written closing</p> <p>7 statements for anyone who wants to do a written closing</p> <p>8 statement and whether there would be replies. I just</p> <p>9 want y'all to be thinking about that. We'll talk about</p> <p>10 that later.</p> <p>11 Mr. Holley, some of the filings, including</p> <p>12 your own rebuttal testimony, talk about or provide</p> <p>13 information about your customer bills. And one thing I</p> <p>14 brought up at the prehearing yesterday but we didn't</p> <p>15 resolve was -- I mean, I'm assuming you're not -- you're</p> <p>16 not considering that information to be confidential. Let</p> <p>17 me show you what I mean. AEP filed these documents</p> <p>18 under seal. What that means is that they could not be</p> <p>19 publicly discussed. They would be admitted in evidence,</p> <p>20 but they couldn't be publicly discussed. But I think</p> <p>21 that your own testimony and some of your filings do talk</p> <p>22 about, like your -- your -- your usage and your bills.</p> <p>23 So my question to you is, do you have any problem with</p> <p>24 all that being public? Would that concern you in any</p> <p>25 way?</p>	<p style="text-align: right;">23</p> <p>1 going to work on the theory that everything is public</p> <p>2 unless it's offered under seal. If we need to go off</p> <p>3 the record and have y'all talk about that, we can</p> <p>4 MR. HOLLEY: Am I missing something here?</p> <p>5 My account number and everything else is on my electric</p> <p>6 bill which is -- what is that? But then they told me it</p> <p>7 was sensitive data. I didn't understand that.</p> <p>8 MS. GAGE: Right.</p> <p>9 MR. HOLLEY: They used that highly</p> <p>10 sensitive data as a basis.</p> <p>11 JUDGE DREWS: Well, the utility is allowed</p> <p>12 access to your usage and other data because otherwise</p> <p>13 they couldn't bill you. They couldn't provide you</p> <p>14 service. But typically, those things aren't -- they</p> <p>15 don't show up on the Internet. Right?</p> <p>16 MR. HOLLEY: Yes, they do. Yes, they do</p> <p>17 on the ESD, the smart system or whatever they got that</p> <p>18 they --</p> <p>19 JUDGE DREWS: Right.</p> <p>20 MR. HOLLEY: Oh, you see your whole year's</p> <p>21 worth of bills.</p> <p>22 JUDGE DREWS: But you have secure access</p> <p>23 to that, I assume?</p> <p>24 MS. GAGE: Yes.</p> <p>25 JUDGE DREWS: You can see it. I couldn't</p>
<p style="text-align: right;">22</p> <p>1 MR. HOLLEY: I have -- anything can be</p> <p>2 public I've got.</p> <p>3 JUDGE DREWS: All right.</p> <p>4 MR. HOLLEY: Everything.</p> <p>5 JUDGE DREWS: Okay. So does anyone have</p> <p>6 concern about just have the evidence be public? Do you</p> <p>7 want -- would you prefer to admit yours under seal?</p> <p>8 MS. GAGE: I think AEP Texas would prefer</p> <p>9 for ours to remain confidential because PURA requires</p> <p>10 the customer information to be treated confidentially.</p> <p>11 So to avoid being a violation of that, we would prefer</p> <p>12 that it be treated confidential.</p> <p>13 JUDGE DREWS: Okay. So let me explain</p> <p>14 where we are here. So there are -- there are --</p> <p>15 privileges can be waived, for example by, you know,</p> <p>16 the -- the -- you won't -- you know, you have your own</p> <p>17 data. Right? So by making them public or agreeing, you</p> <p>18 can just waive the privilege. What AEP is saying is</p> <p>19 they're a regulated utility, and they want to make sure</p> <p>20 they comply with the Commission rule that usually</p> <p>21 requires them to keep customer data confidential.</p> <p>22 The reason it's confidential sometimes is,</p> <p>23 like, a business, their electricity usage may alert</p> <p>24 their competitors to things they don't want them to</p> <p>25 know, things like that. You know, bottom line, I'm</p>	<p style="text-align: right;">24</p> <p>1 see it. Where I'm going with this is, I'm going to</p> <p>2 proceed on the theory that everything is public, but if</p> <p>3 AEP would like to offer its exhibit under seal, you may</p> <p>4 do so.</p> <p>5 What that means is, if I discuss it in</p> <p>6 the -- in the proposal for a decision or if the parties</p> <p>7 discuss it in their filed briefs, just make sure that</p> <p>8 you -- you know, don't disclose something that is under</p> <p>9 seal and not somewhere else in the evidence. But if</p> <p>10 it's already in the evidence, then it's -- it's public.</p> <p>11 Okay?</p> <p>12 All right. And I'm not going to close the</p> <p>13 hearing if -- you know, if anybody tells me there's</p> <p>14 something confidential, let me know. But other than</p> <p>15 that, I'm assuming we can keep the hearing public. All</p> <p>16 right.</p> <p>17 Order of presentation, have the parties</p> <p>18 thought about who should go first? I was going to have</p> <p>19 Mr. Holley go first. Let me be clear -- presentation --</p> <p>20 this is presentation of your direct testimony. Every</p> <p>21 witness is sworn and subject to cross-examination by the</p> <p>22 other parties. So if when you testify, your testimony</p> <p>23 would be offered. And I would put you under oath,</p> <p>24 and -- and then all the parties can ask you questions.</p> <p>25 That's true with them, too. You can ask questions of</p>

25

1 every one of their witnesses. Okay?

2 MR. HOLLEY: Okay.

3 JUDGE DREWS: So we're talking about who

4 testifies first, basically.

5 MR. HOLLEY: I prefer not because I

6 don't -- I -- I've given them everything I have

7 Everything, and I don't know where -- what I would say

8 to anybody, and I don't know what this sensitive data

9 is. I don't want to go into an area that -- I can't --

10 that I can't go into.

11 JUDGE DREWS: Well, let me be clear. The

12 only person -- I mean, if you don't mind a discussion

13 about here is your bill, here is what your usage was,

14 you know, here is when you had your -- your wind

15 generator installed, if you don't mind that being

16 public, that's the only question.

17 MR. HOLLEY: Okay.

18 JUDGE DREWS: Okay? And I'm just going to

19 say right out, I assume there's nothing -- no disclosure

20 of something like a Social Security number or something.

21 If there is, I'm going to mark it out myself, so

22 everyone knows. So -- but where I'm going with this,

23 Mr. Holley, is because this is a formal proceeding, no

24 one's -- well, are the parties going to have

25 cross-examination for Mr. Holley?

26

1 MR. MATTHEWS: Very brief.

2 JUDGE DREWS: All right. So the bottom

3 line, I can't admit your testimony in evidence unless I

4 put you under oath and allow the parties to

5 cross-examine. And that's true with them, too.

6 MR. HOLLEY: Uh-huh.

7 JUDGE DREWS: So -- so do you have a

8 problem with me putting you under oath?

9 MR. HOLLEY: Not at all.

10 JUDGE DREWS: Okay. And all you'll be

11 doing is answering their questions truthfully. That's

12 all you have to do.

13 MR. HOLLEY: No problem.

14 JUDGE DREWS: Okay? All right. So I'm

15 going to have you go first. The reason is you're the

16 only one who has a right to do rebuttal testimony. So

17 you go first with your direct. Then I think CPL, then

18 Just Energy, then AEP.

19 Staff did not have a witness?

20 MR. CRNICH: That's correct.

21 JUDGE DREWS: And then, Mr. Holley, you

22 will then testify last with your rebuttal testimony.

23 Okay?

24 MR. HOLLEY: (Nods head).

25 JUDGE DREWS: Just so you know because

27

1 your direct is prefiled, as soon as we admit your

2 exhibits, other than the agreement we just reached with

3 AEP, you just -- you know, we just then go to

4 cross-examination. If there are no questions, then that

5 witness is done and just gets off the stand. If the

6 witness can then testify again -- you could testify

7 again, but anything you say in -- in the second round

8 would be limited to the scope of any questions you ask.

9 Okay?

10 MR. HOLLEY: (Nods head).

11 JUDGE DREWS: All right. So -- and order

12 of cross, I'm going to suggest for Mr. Holley it be CPL,

13 Just Energy, AEP, and Staff And I'll call you out.

14 CPL, it will be Just Energy, AEP, Mr. Holley, and then

15 Staff.

16 Mr. Holley, we typically allow the

17 Commission Staff to go last --

18 MR. HOLLEY: (Nods head).

19 JUDGE DREWS: -- because they represent

20 the public interest in a broad way. Okay.

21 Just Energy order of cross would be CPL,

22 AEP, Mr. Holley, and Staff. And AEP, it would be CPL,

23 Just Energy, Mr. Holley, and Staff. Any problems with

24 that?

25 MS GAGE: No.

28

1 JUDGE DREWS: Is that all right? Works

2 for everyone? Okay.

3 All right. So I think we're ready to go

4 to -- and let me ask one final question. Every party

5 who is offering testimony, did everyone bring four

6 copies?

7 MR. MATTHEWS: Yes.

8 MS. GAGE: Yes.

9 JUDGE DREWS: Mr. Holley, did you bring

10 four copies of yours?

11 MR. HOLLEY: No.

12 JUDGE DREWS: All right. All right. Now

13 this is what I'm going to do.

14 MR. MATTHEWS: I have --

15 JUDGE DREWS: Do you have extras?

16 MR. MATTHEWS: I have three copies of

17 Mr. Holley's rebuttal.

18 JUDGE DREWS: Of the --

19 MR. MATTHEWS: His rebuttal.

20 JUDGE DREWS: All right.

21 MR. MATTHEWS: And his direct as well

22 JUDGE DREWS: You've got three copies?

23 Would you mind --

24 MR. MATTHEWS: Not at all

25 JUDGE DREWS: Would you mind giving them

<p style="text-align: right;">29</p> <p>1 to Mr. Holley?</p> <p>2 MR. MATTHEWS: Sure.</p> <p>3 JUDGE DREWS: Is that all right? So that</p> <p>4 will take care of that.</p> <p>5 MR. MATTHEWS: Well, one is --</p> <p>6 JUDGE DREWS: Are they marked?</p> <p>7 MR. MATTHEWS: One is highlighted with my</p> <p>8 notes.</p> <p>9 JUDGE DREWS: Okay. We don't want to do</p> <p>10 that.</p> <p>11 MR. MATTHEWS: So I suppose I have two</p> <p>12 copies.</p> <p>13 JUDGE DREWS: Mr. Holley, I will make</p> <p>14 copies for you. Okay?</p> <p>15 MR. HOLLEY: Yes, ma'am.</p> <p>16 JUDGE DREWS: Let's go off the record for</p> <p>17 just a moment.</p> <p>18 (Discussion off the record)</p> <p>19 (Exhibit Holley No. 1 marked)</p> <p>20 JUDGE DREWS: All right. We'll go back on</p> <p>21 the record.</p> <p>22 I appreciated some of the parties had some</p> <p>23 extra copies, and we'll make one more. So we are -- let</p> <p>24 me just say -- just to get y'all on the road, I would</p> <p>25 just as soon waive opening statements and get to the</p>	<p style="text-align: right;">31</p> <p>1 EVERETTH HOLLEY,</p> <p>2 having been first duly sworn, testified as follows:</p> <p>3 CROSS-EXAMINATION</p> <p>4 BY MR. MATTHEWS:</p> <p>5 Q Good morning, Mr. Holley.</p> <p>6 A Good morning.</p> <p>7 Q As I said when we first met, my name is Matt</p> <p>8 Matthews, and I represent CPL. I appreciate you being</p> <p>9 here today. Mr. Holley, you were a CPL customer for a</p> <p>10 number of years. Right?</p> <p>11 A Quite a few.</p> <p>12 Q Quite a few. About 19.</p> <p>13 A About 19 straight.</p> <p>14 Q This matter that we're here about today is</p> <p>15 about a period of time in which you were billed by CPL</p> <p>16 after you installed a wind turbine and a smart meter at</p> <p>17 your house. Correct?</p> <p>18 A Yes, sir.</p> <p>19 Q Okay. So nothing before that?</p> <p>20 A Nothing before that.</p> <p>21 Q And -- and your allegation, just to be sure I</p> <p>22 have it right, is that after that wind turbine and smart</p> <p>23 meter were installed at your home, that the meter, which</p> <p>24 is AEP's meter, began reporting readings that were</p> <p>25 higher than you thought that they should have been?</p>
<p style="text-align: right;">30</p> <p>1 evidence. Is that okay with everybody?</p> <p>2 MS. GAGE: Yes.</p> <p>3 JUDGE DREWS: All right. So let's waive</p> <p>4 opening statements, then.</p> <p>5 And we're going to start with you,</p> <p>6 Mr. Holley. And like all the witnesses, what I'm going</p> <p>7 to have you do is come right over here and sit there.</p> <p>8 You can bring your testimony with you, if you like. All</p> <p>9 right. I need you to just raise your right hand.</p> <p>10 (Witness Holley sworn)</p> <p>11 PRESENTATION ON BEHALF OF COMPLAINANT</p> <p>12 JUDGE DREWS: Thank you.</p> <p>13 So you are offering -- you prefiled direct</p> <p>14 testimony, and you're offering that in evidence.</p> <p>15 Correct?</p> <p>16 MR. HOLLEY: I am.</p> <p>17 JUDGE DREWS: Are there any objections?</p> <p>18 MR. HOLLEY: None.</p> <p>19 JUDGE DREWS: All right. Holley Exhibit 1</p> <p>20 is admitted.</p> <p>21 (Exhibit Holley No. 1 admitted)</p> <p>22 JUDGE DREWS: And, Mr. Holley, we're now</p> <p>23 going to proceed to cross-examination. Okay?</p> <p>24 So, CPL?</p> <p>25 MR. MATTHEWS: Thank you, Your Honor.</p>	<p style="text-align: right;">32</p> <p>1 A It was always reporting readings higher than I</p> <p>2 thought was necessary. I had three different meters put</p> <p>3 in that house by them, and I called them over and over</p> <p>4 again.</p> <p>5 Q Right.</p> <p>6 A Okay.</p> <p>7 Q I'm just trying to get to the gist of your --</p> <p>8 I'm not necessarily agreeing -- I don't think they were,</p> <p>9 but that's your claim, is that the meter was reporting</p> <p>10 readings that were higher than they should have been.</p> <p>11 Correct?</p> <p>12 A Yes.</p> <p>13 Q And as to CPL, your -- what is your complaint</p> <p>14 as to CPL, if any?</p> <p>15 A The only complaint I had against CPL, my</p> <p>16 intention was to remove CPL out of the picture before I</p> <p>17 filed against AEP because I was bounced back and forth</p> <p>18 between phone calls, what it says on the back of your</p> <p>19 bill if you're going to file against a utility. Public</p> <p>20 hearing -- I mean, I forget what it is now. You have to</p> <p>21 go to the public hearing -- utilities Commission. If</p> <p>22 you call C -- AEP they're going to say you have to go to</p> <p>23 CPL because they're the ones that billed you.</p> <p>24 I called them and they said, "No, no, AEP</p> <p>25 is your electric provider." I was getting -- I finally</p>


<p style="text-align: right;">33</p> <p>1 got to the governor's office. I did call the governor's 2 office and talk to their secretary.</p> <p>3 THE REPORTER: Could you speak into the 4 mic a little louder, please? Thank you.</p> <p>5 A And I did call the governor's office and I got 6 some answers. They said call this number here. She 7 said, "Call this number. Somebody is going to answer 8 that phone this time," and they did the first time. I 9 can't --</p> <p>10 Q (BY MR. MATTHEWS) Okay. So -- so as we sit 11 here today, do you have any beef with CPL?</p> <p>12 A Slightly. Slightly. I had three bills in one 13 month all different and three different consumptions. 14 Now, if CP and L (sic) does not produce the consumption, 15 how could I see these three bills at my house on May the 16 2nd, the 18th, 19th consumption adjustment, consumption 17 adjustment, consumption adjustment. I think because 18 this is their last month, they're trying to do something 19 to get out of it. I can't say, but if you look here, 20 boy, boy, boy. There was a lot of messing around here 21 with the 30 days of that bill.</p> <p>22 Q Those consumption adjustments were credited 23 back to your account though. Correct?</p> <p>24 A Because I said I had 500-and-something dollars 25 in credit. They said, no, no. We took out \$183. We</p>	<p style="text-align: right;">35</p> <p>1 Q You're not alleging that CPL monkeyed with the 2 numbers?</p> <p>3 A No.</p> <p>4 Q Okay. And you're not alleging that CPL added 5 on something in addition to --</p> <p>6 A None whatsoever.</p> <p>7 Q Okay.</p> <p>8 MR MATTHEWS: Thank you very much, 9 Mr. Holley.</p> <p>10 THE WITNESS: Thank you.</p> <p>11 JUDGE DREWS: Thank you. Just Energy?</p> <p>12 MS. WEBKING: No questions, Your Honor.</p> <p>13 Thank you, Mr. Holley.</p> <p>14 JUDGE DREWS: Thank you. AEP?</p> <p>15 MS. GAGE: No questions, Your Honor.</p> <p>16 JUDGE DREWS: Staff?</p> <p>17 MR. CRNICH: No questions.</p> <p>18 JUDGE DREWS: All right. So, Mr. Holley, 19 was there anything about the questions you were asked by 20 CPL that you would like to add to in redirect?</p> <p>21 MR. HOLLEY: No, ma'am.</p> <p>22 JUDGE DREWS: All right. Thank you for 23 testifying. You can step down for now. You'll be back 24 on rebuttal</p> <p>25 Now, Mr. Holley, you have no exhibits --</p>
<p style="text-align: right;">34</p> <p>1 took out \$90. We took out -- no, no, no. We were 2 having a really heated discussion about -- I said, "Let 3 me talk to a supervisor. What was going on?" They 4 finally got it back to 500-and-something dollars' 5 credit.</p> <p>6 Q And that's all I'm getting at.</p> <p>7 A Okay.</p> <p>8 Q Whatever path you took to get there, 9 ultimately, all that money was credited back to your 10 account?</p> <p>11 A But then the last final bill hit me for more 12 than anything and leaving me with 200-and-something 13 dollars, final bill. That was the one on the 19th. 14 They really hit me that time.</p> <p>15 Q And with respect to that and I think the 16 other bills that that relate to the time period 17 during which you had the wind turbine, your complaint is 18 the meter readings were higher than you expected. 19 Right?</p> <p>20 A Yes.</p> <p>21 Q And that CPL billed you the numbers that AEP 22 reported to --</p> <p>23 A Yes.</p> <p>24 Q CPL?</p> <p>25 A Yes.</p>	<p style="text-align: right;">36</p> <p>1 no other exhibits. We just have your direct in for now.</p> <p>2 MR. HOLLEY: Yes.</p> <p>3 JUDGE DREWS: So I believe that closes 4 your direct case.</p> <p>5 MR. HOLLEY: Yes.</p> <p>6 JUDGE DREWS: And we're now proceeding to 7 CPL's direct case.</p> <p>8 PRESENTATION ON BEHALF OF CPL</p> <p>9 MR. MATTHEWS: Your Honor, for CPL's 10 direct case, CPL would simply offer its prefiled direct 11 testimony.</p> <p>12 JUDGE DREWS: All right. And you have had 13 that marked as, what, CPL Exhibit 1 or something?</p> <p>14 MR. MATTHEWS: Yes, Your Honor.</p> <p>15 THE REPORTER: Yes.</p> <p>16 JUDGE DREWS: All right. There are no 17 objections to that, I take it.</p> <p>18 (No response)</p> <p>19 JUDGE DREWS: That exhibit is admitted. (Exhibit CPL No. 1 admitted)</p> <p>20 JUDGE DREWS: Does that close your direct 21 case?</p> <p>22</p> <p>23 MR. MATTHEWS: Yes.</p> <p>24 JUDGE DREWS: All right. So Just Energy's 25 direct case.</p>

<p style="text-align: right;">77</p> <p>1 MR. CRNICH: (Nods head).</p> <p>2 JUDGE DREWS: And what you need to do is</p> <p>3 make sure, it needs to actually be filed at the PUC by</p> <p>4 the deadline that we set.</p> <p>5 MR. HOLLEY: Okay.</p> <p>6 JUDGE DREWS: However you send it in.</p> <p>7 And, Mr. Crnich -- if you've got questions about how to</p> <p>8 do that, then Mr. Crnich will help you out. Okay?</p> <p>9 MR. HOLLEY: (Nods head).</p> <p>10 JUDGE DREWS: Okay. All right.</p> <p>11 So given that there's no deadline in this</p> <p>12 case --</p> <p>13 MS. WEBKING: Your Honor?</p> <p>14 JUDGE DREWS: Yes.</p> <p>15 MS. WEBKING: I apologize for</p> <p>16 interrupting, but just trying to assist in the process.</p> <p>17 If Mr. Holley is able to file it at the PUC and it shows</p> <p>18 up on the Interchange, we're certainly willing to waive</p> <p>19 service. And I believe --</p> <p>20 JUDGE DREWS: Is that all right with</p> <p>21 everybody?</p> <p>22 MS. GAGE: Yes.</p> <p>23 JUDGE DREWS: All right. Thank you very</p> <p>24 much.</p> <p>25 So everyone check the Interchange around</p>	<p style="text-align: right;">79</p> <p>1 send them to you in the mail.</p> <p>2 MR. HOLLEY: Okay.</p> <p>3 JUDGE DREWS: And then you need to send</p> <p>4 them back in. So I want to make sure you've got enough</p> <p>5 time.</p> <p>6 MR. HOLLEY: The 13th --</p> <p>7 JUDGE DREWS: The 12th is a Friday --</p> <p>8 would the -- would Friday the 26th -- is that enough?</p> <p>9 MR. HOLLEY: Okay.</p> <p>10 JUDGE DREWS: Does that work for you?</p> <p>11 MR. HOLLEY: That will work. I'll make it</p> <p>12 work.</p> <p>13 JUDGE DREWS: All right. So Friday,</p> <p>14 May 26th. So everybody check the Interchange on</p> <p>15 May 26th to see if he has filed a reply. So that reply</p> <p>16 would be Mr. Holley. So May 12th -- and I'll issue an</p> <p>17 order saying that. But May 12th is written closing</p> <p>18 statements by all parties except Mr. Holley. And</p> <p>19 May 26th is written closing statement by Mr. Holley.</p> <p>20 And I'm going to allow Mr. Holley to go ahead and make</p> <p>21 his oral, initial closing statement now. Okay.</p> <p>22 Everybody okay with that?</p> <p>23 MR. HOLLEY: Fine.</p> <p>24 JUDGE DREWS: Okay. So you go ahead,</p> <p>25 Mr. Holley.</p>
<p style="text-align: right;">78</p> <p>1 the deadline. And what they're saying is they're</p> <p>2 agreeing that you don't have to send a copy to them.</p> <p>3 MR. HOLLEY: Okay</p> <p>4 JUDGE DREWS: But you do have to file it</p> <p>5 at the Commission.</p> <p>6 MR. HOLLEY: I'll make sure I send it to</p> <p>7 the PUC?</p> <p>8 JUDGE DREWS: Send to it the PUC. You</p> <p>9 don't have to send it to my agency, which is SOAH.</p> <p>10 MR. HOLLEY: Right</p> <p>11 JUDGE DREWS: You just send it to the PUC.</p> <p>12 The PUC will send it to me.</p> <p>13 MS. GAGE: They need eleven copies.</p> <p>14 MR. HOLLEY: Eleven copies.</p> <p>15 JUDGE DREWS: Right.</p> <p>16 MR. HOLLEY: Okay.</p> <p>17 JUDGE DREWS: So -- so that works, but I</p> <p>18 do want to make sure he's got enough time. So if you --</p> <p>19 if these are mailed to him on the 12th, how long would</p> <p>20 you like before you have to get any reply back? Two</p> <p>21 weeks? Three weeks? Allowing enough time for the</p> <p>22 mail --</p> <p>23 MR. HOLLEY: Five days, the 17th.</p> <p>24 JUDGE DREWS: Well -- well, the only thing</p> <p>25 that worries me is you won't get -- they're going to</p>	<p style="text-align: right;">80</p> <p>1 CLOSING STATEMENT BY COMPLAINANT</p> <p>2 MR. HOLLEY: The only thing I would like</p> <p>3 to address at this hearing is, thank you, Your Honor.</p> <p>4 JUDGE DREWS: Yeah.</p> <p>5 MR. HOLLEY: Thank you each and every</p> <p>6 party for showing up. This has been a long road. And</p> <p>7 the way it comes down is just the way it's going to</p> <p>8 fall. And I appreciate your time, everybody So if you</p> <p>9 ever need any help, if I possibly can, I will help</p> <p>10 anybody anytime.</p> <p>11 MR. MATTHEWS: Thank you.</p> <p>12 MR. HOLLEY: I didn't mean for it to be</p> <p>13 like I was so rude that I just -- I just don't have</p> <p>14 electronic stuff. I'm not computer literate -- one or</p> <p>15 the other -- but -- I just -- I just don't do it. I'm</p> <p>16 old school. Thank you.</p> <p>17 JUDGE DREWS: All right Thank you very</p> <p>18 much.</p> <p>19 Is there anything else we need to take up?</p> <p>20 (No response)</p> <p>21 JUDGE DREWS: All right I will issue a</p> <p>22 written order that will briefly set out the briefing</p> <p>23 schedule. I want to thank everyone for coming.</p> <p>24 Everyone have a safe trip back. And this hearing is</p> <p>25 adjourned.</p>

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1 MR. MATTHEWS: Thank you.  
 2 MR. HOLLEY: Thank you.  
 3 (Proceedings adjourned at 10:57 a.m.)  
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1 C E R T I F I C A T E  
 2 STATE OF TEXAS )  
 3 COUNTY OF TRAVIS )  
 4 I, Jodi Cardenas, Certified Shorthand Reporter  
 5 in and for the State of Texas, do hereby certify that  
 6 the above-mentioned matter occurred as hereinbefore set  
 7 out.  
 8 I FURTHER CERTIFY THAT the proceedings of such  
 9 were reported by me or under my supervision, later  
 10 reduced to typewritten form under my supervision and  
 11 control and that the foregoing pages are a full, true,  
 12 and correct transcription of the original notes.  
 13 IN WITNESS WHEREOF, I have hereunto set my  
 14 hand and seal this 3rd day of May, 2017.  
 15  
 16   
 17  
 18 JODI CARDENAS, RPR  
 19 Certified Shorthand Reporter  
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